

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 3/28/2019

Case Number 5:16-cv-12149

Case Style: Treadway vs. Bluestone Coal Corp.

Type of hearing Motion Hearing

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Law Clerk

Attorney(s) for the Plaintiff or Government Bren Pomponio & Samuel Petsonk

Attorney(s) for the Defendant(s) Andrew Ellis & John Hussell

Law Clerk Cynthia Wildfire

Probation Officer

Trial Time

Non-Trial Time

Motions hearing (without evidence). Type: Motion Document 43

Court Time

9:02 am to 9:30 am

12:22 pm to 1:14 pm

Total Court Time: 1 Hours 20 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 9:00 a.m.

Actual Start 9:02 a.m.

[Combined hearing in case nos: 5:16-cv-12149 & 5:17-cv-740]

Defendant accompanied by James C. Justice III, President of both entities and Stephen Ball, VP and General Counsel for both entities.

Parties proffer as to amounts due under settlement agreements and state agreement that judgment orders be entered.

Defendant tenders check sufficient to make payments due to miners tomorrow in Treadway v. Bluestone.

Court permitted a brief break for the Defendant to calculate the current amounts due.

Recess for parties to confer as to a schedule of payments.

Court recessed at 9:30 a.m.

Court resumed at 12:22 p.m.

Defendant places total amounts due on the record.

Plaintiff calls James C. Justice, III.

Plaintiff introduces exhibits.

Parties discuss appropriate scope of post-judgment discovery.

Court orders Defendant to file objection, if any to proposed judgment order, by Monday.

Judgment order will be entered thereafter.

Court ordered that Plaintiff be permitted to conduct post-judgment discovery, including entry of the property and interrogatories.

Court orders that parties agree by Monday, April 1, 2019 to a date for site inspection to take place.

Court recessed at 1:14 p.m.

[Total hearing time of 1 hour 20 minutes divided between case nos 5:16-cv-12149 & 5:17-cv-740].